1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 43 44 45 46 47 48

RESOLUTION # 49-2018 **ORDINANACE AMENDMENT #9-2018** CHAPTER 9 OF THE ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANACE, ARTICLE 6, SECTION 9.62 MORATORIUM ON BULK SAMPLING

Ordinance Amendment offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #9-2018, which was filed May 10, 2018 (copy attached, to amend Section 9.62 of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon June 6, 2018 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, Oneida County has regulated metallic mineral exploration. prospecting and mining through regulations in Chapter 9, the Oneida County Zoning and Shoreland Protection Ordinance since approximately 1989; and

WHEREAS, the State of Wisconsin passed 2017 Wisconsin Act 134 which made changes to nonferrous metallic mining regulations and administration that will be effective July 1, 2018; and

WHEREAS, 2017 Wisconsin Act 134 regulates a new activity called Bulk Sampling. Bulk Sampling means excavating in a potential mining site by removing less than 10,000 tons of material, including over burden and other material removed from any portion of the excavation site, for the purposes of obtaining site-specific data to assess the quality and quantity of the nonferrous metallic mineral deposits and of collecting data from and analyze the excavated materials in order to prepare the application for a mining permit or for any other approval. Bulk sampling does not constitute prospecting within the meaning of sub. (18).

WHEREAS, the Planning and Development Committee felt it would be appropriate to have a moratorium on bulk sampling until such time as the Wisconsin Department of Natural Resources develops specific administrative code.

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

42

49

50

51

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS **DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.62 MORATORIUM ON BULK SAMPLING

A. Purpose and Intent

The purpose of this ordinance is to temporarily impose a moratorium to allow the State of Wisconsin to write administrative code to regulate bulk sampling and allow Oneida County adequate time to study, review, and consider the impacts of 2017 Wisconsin Act 134 as it relates to bulk sampling and amend its ordinances to appropriately protect the public health, safety, and welfare after it learns the scope of regulation under the administrative code. Furthermore, by ensuring all bulk sampling is subject to the same regulation, this moratorium will result in uniformity of regulation of bulk sampling in the County and uniform protections to the public health, safety, and welfare, without precluding any land owner from any other lawful uses of their property.

B. Authority

The Oneida County Board has the specific authority under Wisconsin Statutes including but not limited to §59.02(2) and §59.68 Wis. Stats.

C. Adoption

This ordinance, adopted by a majority of the Oneida County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on bulk sampling, provided that the moratorium does not apply to an applicant who has acquired legally vested rights prior to the adoption of this ordinance.

D. Definitions

1. Bulk Sampling means excavating in a potential mining site by removing less than 10,000 tons of material, including overburden and any other material removed from any portion of the excavation site, for the purpose of obtaining site-specific data to access the quality and quantity of the nonferrous metallic mineral deposits and of collecting data from and analyzing the excavated materials in order to prepare the application for a mining permit or for any other approval. Bulk sampling does not constitute prospecting within the meaning of §293.01(18) Wis. Stats.

E. Moratorium Imposed

97	The Oneida County Board of Supervisors hereby imposes a				
98	moratorium on bulk sampling provided that the moratorium does not				
99	apply to an applicant who has acquired legally vested rights to the				
100	issuance of a license prior to the adoption of this ordinance.				
101	is a second prior to the adoption of the ordinance.				
102	F. <u>Duration of the Moratorium</u>				
103	This moratorium shall be in effect for eighteen months up to and				
103	including January 1, 2020, or until the Wisconsin Department of				
104					
	Natural Resources completes the rule making process regarding bulk				
106	sampling.				
107	The County Clark shall within source (7) days often adouting at Outlings on A				
108	The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment				
109	#9-2018 by the Oneida County Board of Supervisors, cause a certified copy thereof to				
110 111					
112	Department of Natural Resources.				
112	Approved by the Planning and Davidenment Committee this 12th day of hims 2010				
114	Approved by the Planning and Development Committee this 13th day of June, 2018.				
115	Consent Agenda Item:XYES(NO)				
116	Consent Agenda Item: _X120140				
117					
118	106				
119					
120	reviewed by the Corporation Counsel,, Date:				
121	6/3/18				
122	10				
123	SANTI LAVORE				
124	Offered and passage moved by:				
125	Supervisor				
126	- Jag Jour				
127 128	Supervisor				
129	1) Supervisor				
130	A June VSU				
131	Supervisor				
132	Million				
133	Supervisor				
134					
135					
136	10				
137	<u>17</u> Ayes				
138	j .				
139	Nays				
140	1 Absorb				
l41 l42	Absent				
142 143	Abstain				
144					
45	V				
46	X Enacted				

147 148 149	by the County Board of Supervisors this 1	day of
150	Defeated	
151 152 153		101
152	Mad Mal	5 1 01
		1. (1.)
154	Tracy Hartman, Clerk	David Hintz, County Board Chair
155	-	•

Resolution -# 49-2018

Supervisors	AYE	NAY	ABS	ABSTAIN
Paszak	1	ı	×	
Jensen	R			
Timmons	×			
Metropulos		×		
Mott	X			
Cushing	~			
Holewinski	<			
Winkler	×			
VanRaalte	X			
Fisher	~			
Kelly	R			
Oettinger	R			
Liebert	×			
Schreier	×			
Fried	×			
Sorensen	×			
Almekinder	X			
Pence	X			
Krolzcyk	×			
ives	X			
Hintz	8			
TOTALS	9	1	1	
TAGS				
Brighid Billing				
Meredith Weitz				
Ben Kebusiak				

Ordinance Amendment #9-2018 Chapter 9, Article 6, Section 9.62 Moratorium on Bulk Sampling

9.62 MORATORIUM ON BULK SAMPLING

A. Purpose and Intent

The purpose of this ordinance is to temporarily impose a moratorium to allow the State of Wisconsin to write administrative code to regulate bulk sampling and allow Oneida County adequate time to study, review, and consider the impacts of 2017 Wisconsin Act 134 as it relates to bulk sampling and amend its ordinances to appropriately protect the public health, safety, and welfare after it learns the scope of regulation under the administrative code. Furthermore, by ensuring all bulk sampling is subject to the same regulation. this moratorium will result in uniformity of regulation of bulk sampling in the County and uniform protections to the public health, safety, and welfare. without precluding any land owner from any other lawful uses of their property.

B. Authority

The Oneida County Board has the specific authority under Wisconsin Statutes including but not limited to §59.02(2) and §59.68 Wis. Stats.

C. Adoption

This ordinance, adopted by a majority of the Oneida County Board of Supervisors with a quorum present and proper notice having been given. provides for the imposition of a moratorium on bulk sampling, provided that the moratorium does not apply to an applicant who has acquired legally vested rights prior to the adoption of this ordinance.

D. Definitions

1. Bulk Sampling means excavating in a potential mining site by removing less than 10,000 tons of material, including overburden and any other material removed from any portion of the excavation site, for the purpose of obtaining site-specific data to access the quality and quantity of the nonferrous metallic mineral deposits and of collecting data from and analyzing the excavated materials in order to prepare the application for a mining permit or for any other approval. Bulk sampling does not constitute prospecting within the meaning of §293.01(18) Wis. Stats.

E. Moratorium Imposed

The Oneida County Board of Supervisors hereby imposes a moratorium on bulk sampling provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

F. <u>Duration of the Moratorium</u>

This moratorium shall be in effect for eighteen months up to and including January 1, 2020.